IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 349 OF 2005

Vishal Vohra & Anr. ...Petitioners

Versus

The State of Maharashtra & Ors ...Respondents

.....

Ms. Sonal i/b Mrs. Kimaya Prajapati, Advocate for Petitioners

Mr. M.S. Mhambray, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 9TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the petitioners. None appears for the respondent Nos. 2 and 3 though served.

2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 12259/SS/2004 which is pending in the Court of learned Metropolitan Magistrate, 39th Court, Vile Parle, Mumbai. In the said case, process has been issued against the petitioners under Section 390 of Bombay Municipal Corporation Act.

3. For the reasons recorded in my order dated 13th

June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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